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October 19, 1994

Gayle McKeachnie
MCKEACHNIE & ALLRED
Attorneys at Law
121 West Main Street
VERNAL UT 84078

Re: Uintah Basin Irrigation Company

Dear Gayle:

This is a follow-up to the telephone conversation we had in late August relative to the continuing problems with and/or objections the Uintah Basin Irrigation Company has to the State Engineer's annual distribution order on the Duchesne River System.

Unless we receive a horrendous snowpack this year (and I am not putting any money on that!), we will undoubtedly be faced with another interim distribution order for the 1995 irrigation season. Rather than letting this problem creep up on us and having to address it in a short time frame, Bob Morgan and I would like to resolve the problem as early as possible before the next irrigation season begins.

When last we talked, I urged you to go back over the various hydrographs and data which the State Engineer's Office supplied you a couple of years ago regarding a 4.5 or 5 acre-foot duty. As I told you, our opinion is that if the duty in Pleasant Valley is raised above 4 acre-feet, the same duty must apply to Indian-owned lands in the same area. In all likelihood, this could result in the Indians getting all of the water later in the season. Your client should take this into serious consideration.

Nevertheless, if your clients still believe there is a problem with the 4 acre-foot duty, we would request a meeting with all of you sometime before the end of the year to at least discuss the nature and extent of the problem, and possible solutions. With the Ute Indian Water Compact hanging in the balance, it is extremely

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important that we get this matter resolved once and for all. Could you please consult with your client and let me know if they are interested in such a meeting?

Thanks, and best personal regards.

Very truly yours,



MICHAEL M. QUEALY
Assistant Attorney General

cc: Robert L. Morgan, State Engineer
cc: Jerry D. Olds, Assistant State Engineer
cc: Lee Sim, Assistant State Engineer
cc: Bob Leake, Northern Utah Regional Engineer
cc: John Swasey, Duchesne River Commissioner
cc: John H. Mabey, Jr., Assistant Attorney General

MMQ/jr